

Pg 1

1872

8/1





E 668  
.P91  
Copy 1

# Extension of Ku Klux Act.

---

SPEECH

OF

HON. DANIEL D. PRATT,

OF INDIANA,

25-10  
DELIVERED

IN THE SENATE OF THE UNITED STATES,

MAY 17, 1872.

---

WASHINGTON:  
F. & J. RIVES & GEO. A. BAILEY,  
REPORTERS AND PRINTERS OF THE DEBATES OF CONGRESS.  
1872.

E668  
.P72

2. S. 16 211

## Extension of Ku Klux Act.

---

The Senate, as in Committee of the Whole, having under consideration the bill (S. No. 656) to extend the provisions of the fourth section of the act approved April 20, 1871—

Mr. PRATT said:

Mr. PRESIDENT: The bill under consideration has been introduced by the chairman of the joint committee of Congress raised at the last session to inquire into the alleged outrages in the southern States, and by the authority of that committee. It simply continues in the President of the United States the power of suspending the privilege of the writ of *habeas corpus* to the end of the next session of Congress, as that power was given by the act of April 20, 1871, entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States." The power which the bill confers is no other or different in the circumstances of its exercise from that which has been so beneficently employed by him in nine counties in the State of South Carolina. Fortunately for the country, he has found it necessary to use his discretion in but a single State, and in but a small portion of that. The result of its use, in connection with the action of the Federal courts, and the employment of military force in their aid, has been to put a complete stop to outrages in that section of the country.

Looking at the good results which have been accomplished in that most disturbed district of the entire South, who can doubt that Congress acted wisely and in the interest of humanity and justice in investing the President with this power? Nobody has suffered, so far as I am aware, who was not engaged in the conspiracy, or against whom reasonable grounds of suspicion did not exist. Hundreds of persons whose guilty consciences informed against them, seeing that the Government was in earnest in its purpose to put a stop to lawlessness and violence, have fled to parts unknown.

Law has been reinstated, and protection given to life and property by the passage of that act.

I know, sir, full well how jealous the people of this country are of their liberties. They regard this writ as their greatest safeguard. They are not forgetful of its history and of the struggles of the people of England to ingraft it upon Magna Charta. The fathers of this Republic wisely provided, when they came to form the national Constitution, that its privilege should not be suspended unless when in cases of rebellion or invasion the public safety might require it. For myself I believe the power is inherent in the office of the President without act of Congress. An invasion may occur or a rebellion spring up when Congress is not in session, and when its suspension may be necessary before this body could be convened.

But it is unnecessary to argue that question or refer to precedents. The only question now is whether there is such a condition of things in any part of the South as makes it prudent to continue in force for a limited time this provision in the act of April 20, 1871. The object of this writ, as we all understand, is to enable any person deprived of his liberty to bring his case before a judge that the cause and validity of his detention may be inquired into. No one disputes the value of the writ, nor that it is the bulwark of personal liberty, nor that its privilege should never be suspended except in great emergencies. No free State can exist without it. Yet while all this is true there are of necessity limitations to its use. A man convicted of crime has no right to invoke it in his cell in the penitentiary, or while standing under the gallows; nor in times of war is its use practicable when civil law is suspended and military organizations are abroad controlling private action, and the voice of the judge is drowned in the clash of arms. And so, too, when there exists a wide-spread

conspiracy to deprive any portion or class of the people of their rights under the law, by intimidation, violence, and outrage; to overthrow the laws which guard the life and liberty of the citizen; when the local courts are utterly powerless to deal with the criminals; where the conspiracy manifests itself by bands of armed men too numerous and powerful for the civil officers to deal with them; when arrests with a view to trial and punishment would be made nugatory through the complicity or fears of the constituted authorities of the State, there exists the same necessity for a suspension of the privilege of the writ as in case of invasion and rebellion.

Indeed the state of things I have described is a rebellion, which is simply a revolt against the laws. Its purpose is to set them aside or overthrow them; and it makes no difference whether this purpose is restricted to a county or spreads over a State. Among the Romans, from whom the term is borrowed, a rebellion was open resistance to their government by the nations that had been subdued in war; but its most commonly accepted definition is "open resistance to lawful authority." But Congress has defined with great minuteness what shall constitute a rebellion, in the fourth section of the act I have referred to, and I will not detain the Senate by reading it. It is adapted to the state of affairs which has prevailed in some parts of the South since the year 1868.

Mr. President, the question is, shall the grant of this power of suspension be continued, not indefinitely, but until the 4th of March next? The answer to this question must depend upon another question, whether the public safety requires it. The committee of which I have spoken, have spent months in taking testimony from every part of the South. We have had volume upon volume of the evidence printed, amounting to several thousand pages. The report of the committee and the views of the minority, in which the evidence is summed up, alone amount to over one thousand pages. Even the minority do not deny, and I now quote their language, "that bodies of disguised men have in several of the States of the South been guilty of the most flagrant crimes." They admit "they are not to be palliated or excused." That is sufficient for my purpose, although they make haste to deny that the Ku Klux organization is a general one, or that its acts have any political significance. But it seems to me that a case is made out for extraordinary measures when it is proved beyond the power of contradiction that in many counties in different States, the local authorities are wholly incapable of affording protection to life, liberty, and property, and are unable to convict and punish the men who openly defy and spurn the laws. We are dealing with terrible facts which none are so hardy as to deny. It is not a question whether the plan of reconstruction was right or wrong,

nor whether negro suffrage was just or politic, nor whether it has proved a success or failure; nor is it a question whether the State governments of the South have abused their opportunities, plundered the people, loaded them with debts, and squandered the public money. All this may be admitted for the sake of the argument; and yet the issue is not met.

This Government is charged with the duty of suppressing rebellion and seeing to it that all men entitled to its protection are protected. Government is of little value to the governed if large bodies of armed men may with impunity prowl at midnight through the country, commit murders, arson, and cruel outrages upon defenseless people. The worst despotism is better than such anarchy and lawlessness.

Sir, when I turn to the testimony spread before Congress by this committee, taken under oath and bearing the stamp of truth, my heart sickens with the recitals of the wrongs committed and heaped upon the humble, loyal, people of the South. The cold-blooded murders committed by the Ku Klux Klan are not numbered by hundreds, but by thousands. In a single county in Alabama they number forty; in another, Tuscaloosa county, in Alabama, as testified to by the venerable chief justice of that State, they number fifty. The cruel scourgings and mutilations exceed by a hundredfold the murders. The cruelties inflicted of whatever description are marked by a ferocity, a heartlessness, an indifference to human suffering that find no parallel in the barbarities of savages.

The guilty perpetrators add to the bodily sufferings the terrors of superstition. The Ku Klux clothe themselves in horrid disguises when they go forth upon their adventures, which give them a supernatural—I should rather say an infernal appearance—and they disarm the superstitious negro of all hope of defense against such emissaries from another world by announcing themselves as spirits of the confederate dead, clothed with immortal power, who have come down from their home in the moon to visit punishment upon him for his misdeeds. Silently and swiftly in martial array, at the dead hour of night, and when the inmates of the humble cabin are buried in peaceful sleep after the toils of the day, they come unannounced save by the sharp barking of the house dog. They come in squads of all sizes, from a dozen up to a hundred; sometimes on foot, most commonly on horseback. They and their horses are completely disguised, and their disguises are such as would shake the stoutest heart. They are thoroughly armed. There is an errand of war and violence. By false and deceitful devices they seek to enter the cabin. The Ku Klux is as cowardly as he is cruel, as lying and deceitful as his victim is credulous. He fears the gun of the single man in that humble fortress opposed to an hundred. He would not give him a single chance for his

life; he would not allow him to sell that life at the expense of one of his cowardly murderers. Most commonly they effect an entrance by deceitful accounts and promises. Where these fail the cabin is stormed, the door broken down, and the house filled by armed men. Then the tragedy opens. The obnoxious negro, whose crime is that he is a Radical, is torn from his family, assailed with blows, dragged to the neighboring wood, and hung to a tree, or dispatched by bullets and knives. Often the females of the family are subjected to outrages such as I may not describe. Not his cabin only, but many others, a whole neighborhood, is visited by this party of disguised troopers, where similar scenes are enacted, and the work of the night is done. They cannot tarry till the crowing of the cock, or until morning sends forth upon the highways its witnesses. They go as mysteriously as they came: no one has seen them save the startled sleeper from his window, or the belated loiterer who crouches in the bushes while the ghostly troop sweep by. The brief summer night is passed. Morning has come dispelling its mysteries and silence, and the sun, which looked down upon Abel's blood and his brother's crime, sheds his glory over the world. Birds of sweetest music greet his rising. Flowers and blossoms of peerless beauty do him homage, and shed abroad their fragrance in the early morning. All nature is glad and beautiful and full of peace, save where the devilish passions of man have turned this heaven of beauty and love into a hell. The preparations which follow death begin. Few words are spoken, for the spell of fear and horror is upon all. Of course there is the mockery of an inquest which proves nothing, involves nobody, which simply finds that the mangled deceased has come to his death by unknown hands; and then the dead are hastily buried in rude coffins, and the affrighted families fly the dangerous neighborhood to other parts, and there are fewer Radical votes in that precinct at the next election.

And is this all? Alas, sir, it is. What, you ask, was there no rising of an indignant community; did not justice follow fast upon the footsteps of the retreating murderers; was not vengeance swift on their track? No, sir; nothing of the sort. I have heard of a few cases—and they are but a few—where the sheriff followed the next day with a meager posse the tracks of the party to the river or county line, and then turned back. Possibly the matter was talked over by the next grand jury, some of whom, or their sons, may have been in the raid. Possibly, witnesses who knew nothing, or knew too much, were sent for and examined. But nothing came of this grand inquest, whose office was to learn everything, and whose powers were as great as their duty was plain. They could have brought every man, woman, and child of the county before them and compelled them

to testify. The law and the common safety demanded that no means should be left unemployed to find out and present the murderers.

Now, sir, what I want to emphasize and what I want the whole country to understand in respect to these Ku Klux outrages, is this: that out of the hundreds and thousands which have been committed in the cotton States, there does not exist the record of a single conviction in a single court where the murdered man or the mutilated man was a loyal negro of Radical faith, and his murderers were Ku Klux. I am speaking now of the State courts, and with six or seven thousand pages of testimony before me, taken by the committee; and if a single exception exists where punishment has followed, I hope to be corrected.

I have myself questioned intelligent men all through Alabama and Mississippi, while engaged in this committee work, whether they knew or had ever heard of any such punishment, and the answer has been uniform. I ought to except a few sporadic cases where it was said negroes had Kukuluxed negroes. But the general fact remains, the testimony is mountain high that this carnival of crime has gone on for years and nobody has been found out; no one has been punished until latterly since Congress has armed the Federal courts with power to grapple with this terrible organization.

Now, sir, before going further I want to meet and answer the excuse commonly given by the intelligent white men of the South—the men who went into the rebellion; the men who constitute the backbone of the Democratic party in the South—for this failure of justice. I have asked them a score of times, where is the intrinsic difficulty in discovering and bringing to justice the criminals? The answer generally given is, that the men concerned in this lawlessness are so effectually disguised and do their bloody work at such an hour of the night, that detection is impossible—simply impossible; and they say this with a look of virtuous despair. The less discreet or more honest, admit that it would be attended with hazard to push inquiries too far or closely; that meddlers bent on satisfying their curiosity might draw on themselves the attention of this secret order. Then, again, it is suggested that upon every grand jury would be found men whose interest it was to prevent the truth coming to light; that the witnesses summoned may themselves have been engaged in the raid or had sons or fathers, brothers or friends in it.

To sum up the excuses it is said they are so effectually disguised, move in such numbers, are so bound together by oaths and a common sense of danger, and frequently come from such a distance, that it is impossible to discover who the guilty parties are. But to this I answer that the Federal courts, since the jurisdiction has been extended to them, have had no trouble of the kind. They have found within the last year hundreds of indictments



in the States of North and South Carolina, Alabama, and Mississippi, against these Ku Klux gentlemen, and furnished a few of them lodgings in the penitentiary. That is sufficient answer of itself, and proves the excuse set up for the criminal default of the State courts a sham and a lying pretense.

But the pretense is absurd in itself. It is a well-settled axiom in the administration of criminal justice that just in proportion as the secret of a crime is shared by two or more the chances of detection increase. It is always safest when deposited in a single breast. Then, again, how is it possible that fifty men should be concerned in a midnight enterprise of crime without previous concert? As they move in a body they must have come together at some place at a particular hour and by previous arrangement. They have had a rendezvous somewhere on the route. Now, the query is, how could so many men provide themselves with horses, disguises, and arms, leave so many different homes, come together by so many different routes, and be absent all night, without anybody knowing it? These men have, all of them, parents, or brothers and sisters, wives or children. They all belong to some household where they sleep and eat. They themselves and their horses must show signs of the night's hard ride, possibly of its murderous work. Somebody must note and remember these signs. Somebody has furnished the horses, the arms, the ammunition, the materials for the disguises worn. Somebody, some perplexed tailor, has fabricated these ghostly garments and artistic head coverings, with their openings and horns. These horses have all left foot-prints in the earth. A diligent search would track half the horses to the stables or fields to which they were returned. If the whole neighborhood were not in conspiracy to hide the crime and screen the perpetrators, some of these many threads to discovery would lead to their detection. It could not be otherwise in a sound, healthy community, which had any disposition to maintain the laws. It is a reproach to the intelligence and enterprise of the southern people to suggest that such crimes could remain hidden. It is amazing that to shelter such miscreants they will stultify themselves.

While the committee were prosecuting this investigation, and intelligent Democratic witnesses were putting up this pretext, and pretending that this thing went on unchecked by their courts because of the impossibility of discovering the guilty parties, they never could or would give a straightforward answer to this question. "You say it is impossible to find them out. Now, suppose the case reversed; suppose a white citizen of standing and influence were thus taken out of his bed at night by disguised men and scourged or murdered, would there be the same apathy, the same feeble effort, the same alleged difficulty in discovering the guilty parties? On the contrary,

would not the community rise up as one man, would not a thousand eyes be on the alert to note every sign which might lead to discovery; would men rest or let the thing drop until the criminals were found and brought to justice?" Without dwelling longer, I trust I have disposed of this shallow pretext.

But, sir, who are the guilty parties, and what are their motives? I know what is claimed by the Opposition here, and I know the theory on this subject of those who give tone to public opinion in the South. They pretend that these crimes have no political significance whatever, but are the work of the poor, the lawless, and irresponsible white men of that region, who, it is said, are the enemies of the freedman, jealous of his lately acquired civil and political rights, envious of the planter's preference for his labor, and bent on getting rid of his competition. Such is the theory of the minority of the committee. They insist that these outrages are neither committed nor sanctioned by the respectable classes, and that they are not to be held responsible for them. But is this true? So far from being true, I insist that the investigations, thorough and exhaustive, which have been made by the congressional committee and in the Federal courts, have conclusively implicated the intelligent and property-holding classes in these outrages, and fixed the responsibility on them for their indulged continuance without punishment or prosecution even. From whom but this class come the funds which support these costly military organizations, which supply the horses, equipments, arms, ammunition, and disguises; the intelligence which directs the movements of these lawless bodies and prevents discovery? Who have the greatest motives for inflicting these punishments? Suppose the charge to be that a freedman has stolen cotton, corn, or cattle; the planter is the injured party, and not the poor white class, who have nothing to be stolen. He is the one interested in punishing the thief. He may employ these poor whites as his instruments, but he is the moving power; he is the responsible party.

Colored schools are broken up and the school-houses burned by the hundred. This is a favorite pastime with the Ku Klux gentlemen. These brave fellows specially delight to deal with school mistresses. There is no danger there. But who are most interested in breaking up schools and instigating raids upon the teachers and school-houses? I answer, the men of property, the tax-payers, the men who hold tax-payers' conventions and denounce taxes, and compel those who levy them to resign; the men who fill the country with their clamor that they are impoverished, robbed, and plundered under the new order of things!

And then again, who are the most interested in acquiring the political control in the State and in the counties? There is no cause so



often assigned for Ku Klux misdeeds as the one that the victim is a Radical and votes the Radical ticket. You may take ten cases of whipping, and nine of them shall be for this cause, if the victim, who knows best, is to be believed. He hears and knows from the mouths of his persecutors what he is whipped for. Now, I ask, who is most interested in the freedman's political conversion? Who about election times go to him with smooth speech and use persuasive argument to induce him to vote the Democratic ticket? I answer, it is the old ruling class, the property-holders.

I am tempted, Mr. President, to turn aside a moment to repeat the argument. He is reminded how harmonious was the relation between the two races when the one was the master, the other the slave; how he was fed, clothed, and cared for in sickness; how in his indigence he must still look to his old master for employment, food, raiment, protection. He is reminded that the two races are dependent on each other, the one having the capital, the other supplying the labor, and that they should act in concert; he is warned not to put his faith in these Radical strangers, who have come down South spreading pernicious doctrines, and who aim to ride into office and power on the negro vote and enrich themselves at the public expense.

In stating their argument I have shown, sir, who are responsible for these scourgings for opinion's sake. It is the old ruling class, the men who own the plantations and property, and must pay the taxes. They are the men most interested in molding the opinions of voters.

Mr. SAULSBURY. Will the Senator allow me to interrupt him a moment? Do I understand him to say that the investigation of this committee and the investigation of the Federal courts prove that the property-holders in the South are the responsible parties for the outrages that he alleges to have been committed there?

Mr. PRATT. The Senator understands me correctly.

Mr. SAULSBURY. Then I ask if he knows of any instance where those men have been prosecuted under the provisions of the act passed last session, which gives ample power to punish any person who has entered into any conspiracy?

Mr. PRATT. Certainly; the records of the courts in three or four States are full of such cases.

Mr. SAULSBURY. How many?

Mr. PRATT. If you will examine the report of the majority of this committee you will ascertain how many prosecutions have been instituted in North Carolina and South Carolina.

Mr. SAULSBURY. I beg to be excused from examining the seven thousand pages of testimony.

Mr. PRATT. I will take great pleasure in showing them to the honorable Senator from

Delaware after I get through with my remarks. The seven or eight thousand pages of testimony the committee have taken from quite a bulky piece of literature, and I commend it to my honorable friend upon next Sunday or upon some leisure day for his reading. He will find it profitable if not pleasant.

Mr. SAULSBURY. I certainly would be inclined to avail myself of any suggestion of the honorable Senator from Indiana in reference to what is profitable reading for the Sabbath; but he must excuse me if I see proper to turn to the pages of the old Bible in preference to the report of this committee. But I understood the honorable Senator to be indicting the whole class of property-holders in the South. I wanted to call the attention of the Senator from Indiana before he made the wholesale charge against the respectable property-holders of the southern States to the broad terms of the indictment which he was making against that people. I do not believe that the declaration of the Senator (worthy and highly as he is honored in his own State, in the Senate, and in the country) will have the effect to blast the reputation of the whole southern people unless he lays his hands on the facts and shows the evidence on which that opinion is founded.

Mr. PRATT. If the honorable Senator will hear me through, I hope to convince him before I am done; and if he will do the committee the justice to read through the testimony, he will find abundance of cases establishing the propositions that I claim here.

Mr. SAULSBURY. Then I would suggest to the honorable Senator not to make his indictment a wholesale indictment against the property-holders of the South. Limit it to the men who the evidence shows are implicated in crime.

Mr. PRATT. As I said, sir, before the interruption, in stating the argument of the slaveholders, I have shown who are responsible for these scourgings for opinion's sake. It is the old ruling class, the men who own the plantations and property, the men who must pay the taxes. They are the men most interested in molding the opinions of voters.

Then in regard to national elections their interest is, if possible, still stronger. They regard the whole policy of the Republican party as having been hostile to their class from its organization. They point to the constitutional amendments, the civil rights bill, the Freedmen's Bureau, the test-oath, the penalties against disloyalty, the enforcement bill, the suspension of the *habeas corpus*, and the presence of soldiery in the disturbed districts; and their panacea for all these ills is to put down the Republican party. That is the dearest wish of the entire Democratic heart in the South. They see no end to what they call their grievances except in the overthrow of the party in power. They are the same men who were so impatient of the re-

straints of Government that in 1861 they plunged the country in war and bloodshed, stopping at no measures of unscrupulous violence in order to overthrow the Government many of them had so often sworn to maintain.

Now, sir, who shall tell me that this sentiment of hate toward the party in power, and this lust for the political control they once wielded, are not sufficient motives to account for these outrages and fix the responsibility where I believe, before God, it belongs, upon these influential classes of the South?

Where since the close of the war riots have occurred and blood has run in the streets, has it not been on the eve of elections? Look at the massacres in Louisiana alone in 1868, when two thousand freedmen were slaughtered in order to carry the election. The negroes hold in their hands the power of determining political results not in the State only but in the nation. In three of the States they outnumber the whites, and in every southern State they hold the balance of power. If they can be coerced, intimidated, or cajoled into voting the Democratic ticket, or prevented from voting at all, then of course the Democrats will succeed, and have things their own way.

This is the key to the whole Ku Klux programme. Here is motive enough to fix the responsibility of these whippings and murders, not only upon Democrats, but upon the intelligent and property-holding class of that party. To be sure, they may employ the poor whites as their instruments; and who doubts that they do? But I fix the responsibility on them, and reason and all the proofs show they must bear it. Who would care to incur the risks of the halter but the men so vitally interested in election results? Do I press this argument too far? Alas! sir, we have had melancholy proof what men will do to overturn dynasties and administrations all along the track of history, culminating in the assassination of the great and good Lincoln. From their standpoint, the old ruling class of the South have the most powerful motives which can sway men's minds to obtain political control, and there is no way to do this but to stifle the negro vote or convert it.

There may be other causes for which the negroes are visited by the Ku Klux; we know there are; but I believe this the most common one. So the negroes whipped all say. So the motives I have endeavored to set forth demonstrate. And yet the minority say there is no political significance in these outrages!

Again, Mr. President, it is said in excuse of the Ku Klux violence that they are in the nature of punishments inflicted because of misdemeanors which the courts will not or cannot punish by reason of the lack of legal evidence, while the moral proof is sufficient to satisfy Judge Lynch; or that the offenses punished are of a character not cognizable in a court of law. Thus: a negro has used insulting language to a white man, or has refused

to work for him, or has dunned him for his wages, or sued him in court. Perhaps he has bought himself a bit of land and is working on it; and not only that, but having freedmen at work for him, and to that extent diminishing the supply of labor to the plantation owners. Or perhaps he is lazy and trifling, or talks too much or too loudly of the rights of his people. Perhaps he is a preacher, and suspected of advising his race as to their true interest and course of action. He may be a bold fellow who understands what the law has done for him, and is free to tell his fellow blacks of their legal rights, as for instance their right to carry arms and defend their persons and homes. He has been so bold as to say in some political harangue that labor has its rights, and if justice were done the wealth of the South, mainly created by his people, should be divided between the races.

All these things in the past have been deemed valid causes why the obnoxious negro should be visited and chastised or killed outright by the Ku Klux. Now, sir, in so far as misdemeanors are concerned, if there is any proof they were committed, the courts can deal with them. If there is no proof, or the proof is insufficient, that is the best reason in the world why punishment should not be inflicted lest the innocent be confounded with the guilty.

There is another cause for these outrages, not the less true because unavowed. They are inflicted often to curb the growing spirit of independence in the colored man; to humble his pride; to teach him his place; to show him that though a freedman, citizen, and voter, he is only so on parchment; that there is a power controlling his destiny higher than constitutions and laws; to teach him that his condition is changed in nothing but name; that he is still the hewer of wood and drawer of water he was before slavery was abolished, and his status in that respect is not and will not be changed.

It is sometimes pretended that the Ku Klux violence is not punished because of the inefficiency of the carpet-bag courts; but they who make this charge confess its insincerity and untruth when they admit in the next breath that justice is administered between man and man fairly and without cause of complaint.

Again, it is urged in excuse, where colored men confined in jail have been taken out and hanged by a masked mob, as has been frequently the case, that this was done to save any risk of their being cleared on the trial. The truth is, there is no trouble in any southern court in convicting a negro of a crime where the evidence warrants it, and there never has been; the danger has been all the other way, that though innocent he would be convicted.

Now, sir, to go back a step and answer the plea that the Ku Klux outrages have no political significance. I have given some reasons to

prove they have. One remains, and that is, that the rule is so general as to be almost universal, that the persons who are the objects of Ku Klux vengeance are all Radicals;—and I use the term by which all Republicans are known and called in the South. I can recall scarcely an exception in the volumes of testimony which have been taken. It is a most significant fact, which I wish the whole country to know, that when the negro votes the Democratic ticket he is never Ku Kluxed; he is taken under protection at once and shielded from harm. It is a talisman, a charm, a sign upon the lintel of his door that he is to be passed over. Hundreds, yes, thousands, sir, of the colored people have bought their peace and earned their security by voting with their old masters; and when they do, all is well with them. The ghostly troop is seen no more; they sleep the sleep of security; they are patronized and kindly treated, restored to confidence and friendship.

Those who are smart are put forward at Democratic meetings to speak of the beauty and loveliness of Democratic principles and practices. Nay, colored orators of the right stamp are imported from other States by Democratic committees, as was done at Huntsville, to harangue mixed crowds of white and black. Will it be credited that in that proud city, the seat of intelligence, wealth, taste, and refinement, during the last presidential canvass prominent Democrats, the rulers in the Democratic church, actually imported one negro from Tennessee and another from further north to address a Democratic political meeting? How those white aristocrats applauded the sabbie speakers to the echo. How reverently they incined their ears and heard the Democratic gospel dispensed by the sweet-scented orators! Ah, sir, in the stifled atmosphere of that great political gathering, they smelt nothing that was not fragrant and aromatic. There were seen the proud men of that city, the Athens of the South, her lawyers, editors, and plantation owners, listening with rapt attention to the utterances of these colored apostles who preached the true faith. Forgotten were the distinctions of color, of caste, and of previous condition. The common cause fused the audience into one homogeneous political mass. It was a political love-feast!

And thus, sir, do I demonstrate that the objection of southern men is not to the negro's voting, but to his voting the Radical ticket. They would welcome universal suffrage to day if the colored men would vote with them. Their real cause of grief is that they vote with the party which freed them.

You have heard, sir, and it has been rung through the whole country as the original excuse for the Ku Klux organization, that Loyal Leagues were formed among the colored people with mischievous purposes; that they were banded together by oaths; that they were controlled by unscrupulous carpet-bag-

gers, who inflamed their passions and operated upon their fears, by persuading them that their old masters intended to reduce them again to slavery, and that their only method of escape was to vote the Republican ticket and fill the offices with Republicans. But this argument fails in the certain and well-known fact that the purposes of the League were wholly peaceable. There was nothing in its constitution which looked to violence. Its meetings were held in daylight in public places, and there was nothing in the oath taken or proceedings had which the whole country did not know.

The very idea is absurd that a secret could be locked up in an order composed mainly of ignorant, simple-hearted blacks. The whites, suspicious of its objects, took early and characteristic measures to possess themselves of such secrets as there were. In the testimony taken at Livingston, Alabama, there is a case in point. A Democratic editor for three nights ensconced himself in an adjoining room where he could see and hear all that took place, and the beginning and the end of the whole scheme was to promote by union and consultation the success of the Republican party, not by violence, but by persuasion and concert of action. I do not deny that a certain social ostracism was practiced toward such negroes as voted the Democratic ticket against the instincts and convictions of the race; but that was all; nothing of violence or intimidation toward the whites was attempted or counseled.

Again, it has been urged in excuse of the Ku Klux order that after the war the negroes were taught to believe that the country was to be parceled out among them, at least in part; that each negro was to have his forty acres of land and a mule; and it is said that unscrupulous men went among them and sold them painted stakes with which to mark the corners of their land, and that one of the purposes of this order was to arrest this dangerous heresy. I do not deny, sir, that such an idea took a fast hold on the colored mind. It was suggested, no doubt, by the order of General Sherman giving the blacks possession of the abandoned sea islands and adjoining coast lands. The practice of the Government in seizing abandoned plantations and leasing them encouraged the idea. It had its foundation in the belief that the rebels had forfeited their lands by their treason, and that the colored race, who had in a great degree been the creators of the wealth of the South, had the best right to occupy and use the lands their labor had cleared, fenced, drained, and tilled. Was their belief without some foundation in justice?

Mr. President, all the wealth of the world springs from the creative power of industry. Need I elaborate this economic axiom? The precious stones must be shaped and polished by the lapidary. The gold and silver ores must be dug from the bowels of the earth in distant mountains, crushed and separated; and the shining product represents in its value



the labor which has produced it. The mahogany and black walnut trees standing in the forest represent small values until fashioned by labor and skill into costly furniture. The magnificent structures in our cities, what are they but so much clay and stone, iron and wood, wrought by labor into marvelous forms of usefulness and beauty? The great Capitol in which we assemble, one of the proudest structures in the world, has all been wrought out from the quarry and the mine. And passing from these works of men's hands to the great outlying fields whence are gathered the fruits which feed and the plants which clothe, and on whose pastures feed the animals which furnish food and raiment, the same law obtains. For without labor, persistent and intelligent, these were still bogs, or forests, or unfruitful lands. And so in the domains of thought. In yonder library are gathered the products of mental toil, from the dawn of civilization. When I listen here daily to the words of wisdom, I know that many generations have made their contributions to the learning which here finds expression. When I turn to the distinguished Senator from Massachusetts on my left, [Mr. SUMNER,] I know that he is the product of the civilization of twenty centuries, and that his hands have gleaned the fields of science and literature of all these ages; that his labors, joined to the mental toilers who have gone before him, have made him the scholar and statesman the country honors.

Now, sir, knowing as we do that the slave labor of the South filled it with most of its wealth, should we be surprised that the colored race really thought at the close of the war that it was their right to have a portion of the land? Had not Congress declared that property, both real and personal, should be deemed as abandoned when the owner was absent and engaged in rebellion, and directed the sale of that which was personal and the leasing out of the lands? Had they not seen Treasury agents swarming through the country taking possession of the property of the enemy, leasing plantations, and all in the name of the Government? Was it not generally supposed that confiscation, as one of the punishments of treason, would be visited on the men who went voluntarily into the rebellion and strove to destroy the Government? I do not know, sir, but that as a strict measure of justice and to the extent the Constitution would allow, it would not have been right to have confiscated the estates of the leading rebels and put the loyal blacks in possession. We know the dominant thought with them was that the Government which had struck off their fetters would compel some restitution for their years of unpaid toil, and that this compensation could come in no form so appropriate and just as in a division of the land. It was no wild or absurd fancy of theirs, but the very expression of justice.

The minority in their report complain that

the credulous negroes were alienated from their old masters and induced by their carpet-bag allies to vote in solid column the Republican ticket from the belief that they would be reduced to slavery again, notwithstanding the thirteenth amendment, if the Democrats attained power. Well, sir, was there no foundation for this fear? Without multiplying proofs I cite your attention to what was done in Mississippi during the first year after the close of the war and before the colored people had the right of voting. The thirteenth amendment had then been adopted abolishing slavery. Was this measure acquiesced in by its Legislative Assembly, composed wholly of white men, most of whom had been concerned in the rebellion?

Look at the infamous laws of that session, which, carried into effect, would have reduced the freedman again substantially to slavery. Take for illustration the act which pretended to confer civil rights on the freedman; consider some of its provisions. One was that these people, who were landless and homeless, should, on the 1st day of January in each year, have a lawful home or employment, and written evidence of the fact in the shape of a license issued by the proper authorities. All contracts for labor with freedmen for a longer period than a month were required to be in writing. If the laborer quit the service before the time stipulated, he forfeited all his wages up to the time of leaving. One would think this was penalty enough. But no, sir; any person might arrest him, and carry him back to his employer, and compel the freedman to pay him for this service a fee of five dollars, and ten cents a mile for the distance traveled. This, when paid by the employer, could be held as a set-off against the freedman's wages. Moreover, when he left this employer without just cause, a warrant could be sued out for his arrest, and it possessed the virtue of leaping county lines and traveling from county to county until the lost was found. When the employé was returned to his employer, all the expenses of his capture and return were in like manner deducted from his wages. It was to all intents and purposes a fugitive slave law. If any person gave to the fugitive food or raiment, there was a penalty ranging from twenty-five to two hundred dollars, and the law provided if the good Samaritan did not instantly pay the fine and costs he might be sentenced to two months' imprisonment. If any one enticed a freedman away with the view of giving him employment without the limits of the State, the fine might be \$500, with imprisonment if not immediately paid. There was a general provision that whenever a fine or forfeiture was imposed upon a freedman the sheriff might hire him to any person who would pay the fine and costs for the shortest time of service.

I call the attention of the Senate to the vagrant act, passed at the same session. The

second section (page 90, act of 1865) provided that all freedmen, free negroes, and mulattoes of Mississippi over the age of eighteen years found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, should be deemed vagrants, and on conviction thereof might be fined as high as fifty dollars, and imprisoned, at the discretion of the court, not exceeding ten days. Another section provided in case the fine imposed was not paid in five days—and you will notice, sir, it may range as high as fifty dollars—the sheriff should hire the freedman out until his wages paid fine and costs. If he could not be hired, then he was to be dealt with as a pauper; and how that was we shall presently see.

It was enacted that as white persons were compelled to support their paupers, so the freedmen, free negroes and mulattoes, should support theirs. To effect this the boards of county police in each county were required to levy a poll-tax on each colored person, and as I read the law, of both sexes, between the ages of eighteen and sixty years, which was to constitute a freedmen's pauper fund, and be applied to the maintenance of the poor. Now mark what follows. This law provides that if any one, young or old, no matter what the excuse, should fail to pay the tax, it shall be deemed evidence of vagrancy, and the sheriff is required to arrest him and hire him out, giving, of course, the preference to the employer.

Again, by another law it was made lawful for a freedman to charge a white person by affidavit with a crime committed on his person or property. But mark, sir, the penalty in case the accusation was not maintained, and to use the language of the law "was falsely and maliciously made;" judgment was to be rendered against him for all costs in the case, and a fine and imprisonment might be added, a fine of fifty dollars, and imprisonment in the county jail for twenty days. If the fine, costs, and jail fees were not promptly paid by the freedman, the sheriff might sell him into slavery until from his wages he could redeem himself.

I might multiply citations from the laws of that session. They were all adapted to that condition of ignorance, poverty, and helplessness of the blacks by which they could be again reduced substantially to slavery. This was the object of the men who framed the laws. They had no right to complain that the friends of the negro told him so when he came to be a voter and the question was with which party he should cast his vote. And yet, in the face of these laws, great complaint is made because the freedman was reminded of them, and warned that if by his vote the Democratic party were installed in power he would be reënsaved. It is a terrible crime in the eyes of these old masters to be told of their hypocrisy! Examine the volumes of the testimony taken by the committee, and you shall find no complaint more frequent or bitter on the part of the men who had lost their slaves than this

one, that the confidence of the negro in the sincerity and honest purpose of his former master was alienated by the teachings of the men who came among them.

I shall notice but a single grievance more, fondly complained of, and then I shall be done. We are told the South has been impoverished by bad government; that the taxes are burdensome beyond endurance; that there is no prosperity there; in fact that a blight has fallen on their country.

It is now but seven years since the war closed. We know the condition of the South at that time; that its resources were all wasted, its people impoverished. We know that the charity of the Government gave them food. We know that two unfruitful seasons followed the war; that the South sent emissaries among the people of the North asking alms, and that they were freely given. And yet complaint is made that the South is not restored to its old-time prosperity, and it is set down to misgovernment, to bad laws, to the policy pursued by Congress. The very statement of the argument contains the refutation. No allowance is made for the ravages of war, for bad seasons, nor for the disturbed condition of society there, which repelled immigration, and for which nobody is responsible but themselves.

But there is much that is false in the charge itself. It is true that the basis of taxation has been changed, and the land-owners are now compelled to pay their share of taxation which before the war they did not. But I deny that State, county, and city taxation is as high in the South as in most of the States of the North. A reference to the census tables will prove that in 1870 the rates of taxation were higher in New York, Ohio, Illinois, Indiana, Iowa, Massachusetts, Michigan, Pennsylvania, and Missouri, than in the eleven States which rebelled. The total taxes levied in these eleven States in that year were but a fraction upward of thirty-two millions on an assessed valuation of property of \$2,206,440,971, or one cent and a half on the dollar. In the State of New York taxes were levied in that year to the amount of \$48,500,000 on an assessed valuation of \$1,967,001,185, being at the rate of \$2.46 on the \$100. That single State paid more taxes than the eleven southern States, by \$16,000,000, and on a less property basis. Why, sir, my own State, the smallest, except Vermont, which has been admitted into the Union since the Constitution was formed, paid in that same year, 1870, about eleven million dollars taxes, one third of the entire amount paid by the eleven insurrectionary States. The per cent. of tax on the assessed value in Indiana was \$1.62 on every \$100, while in the South, as I have stated, it was but \$1.50.

It will do very well for unscrupulous politicians to make the world believe that the South has been eaten up by taxation, but these are the cold facts as given by the census returns.

For the first time the true principle of taxation has been applied there and property made to pay taxes according to its value. How was it before the war? The false clamor made about taxes compels us to go back and ascertain the principles upon which they were laid in the times of slavery. Take the case of Mississippi for illustration. Taxes to support the State government were levied by this scale: taxable lands paid but sixteen cents on every \$100 of valuation; a plantation of the value of \$10,000 paid a State tax of but sixteen dollars, while a ten-pin alley, a theater, a race track, or a barber shop, each paid a tax of twenty-five dollars. Think of an humble barber paying a tax as high as the owner of a plantation worth \$15,000! A piano worth \$400 paid a tax of one dollar; the owner of a slave worth \$1,000 paid a tax of seventy-five cents. A white man paid a poll-tax of forty cents, while the free negro man paid one of a dollar, for the greater advantage, I suppose, of the government which he enjoyed. I do not know any other cause. There was never a more unjust system of taxation than that which prevailed in these States before the war. The dominant planting interest in the South having the control of political affairs, took good care to save its property from the burdeus of taxation and put it on the shoulders of others. But I have not time to dwell on this subject.

I wish to say a single word as to the condition of the South as to prosperity. It is pretended that there has been none there, that she has remained stationary while the remainder of the country has been advancing; and here again, sir, we must turn to the census tables to learn the facts.

I gave what was the assessed value of the property in the eleven insurrectionary States in 1870. The true value, however, as returned by the census, is \$2,735,545,451. The value of agricultural products in those States for the year ending June 1, 1870, was \$607,940,464, or nearly one fourth of the entire value of the property. Leaving slaves out of the question, the census value of property in those States in the year 1870 exceeds that of 1860 more than six million dollars, notwithstanding the immense destruction of values during the war. In the single item of railroads her prosperity is seen in the construction of four thousand and two miles, costing \$172,500,000, since 1860, making the number of miles now completed and in operation in those eleven States a little more than twenty-three thousand.

Now, sir, the South complains of corrupt legislators and Governors who have destroyed the credit of the States and loaded them hopelessly with debt. That this is true in some of the States I have no doubt. Had the Ku Klux outrages been directed to these faithless public servants the world would have been well rid of them and nobody complained. But what logical connection exists between what

happened at the capitals of South Carolina and Georgia, where bribery and corruption abounded, and the whipping of inoffensive negroes a hundred miles away? Grant that Bullock was a thief, how does that excuse the murder of honest men not implicated in his stealings? Grant that a corrupt Legislature in Columbia ruined the credit of South Carolina, what has that to do with the whippings and murders in York and Spartanburg counties? The apologists for these outrages always tell us in excuse that the State governments have robbed the people, just as if there was the least connection in logic between the two things! There is none whatever, unless the negroes are punished for having voted these men into office.

Before concluding, I wish to submit to the Senate and the country some facts concerning the extent of this conspiracy against the rights and liberties of the loyal people of the South, particularly the blacks, the men concerned in it and their purposes, as lately laid before Congress by the President in response to the call of the House of Representatives. Since the enactment of the laws of May 31, 1870, and April 20, 1871, conferring upon the courts of the United States jurisdiction to deal with this class of offenses, there has been a most startling development of the extent and operations of this Klan. The President informs us that representations having been made to him that in certain portions of South Carolina a condition of lawlessness and terror existed, he requested the late Attorney General to visit that State and after a personal examination to report to him the facts in relation to the subject. That officer, on the 16th of October last, addressed to the President a communication from South Carolina, in which he stated that in the counties of Spartanburg, York, Chester, Union, Laurens, Newberry, Fairfield, Lancaster, and Chesterfield, there were combinations for the purpose of preventing the free political action of citizens who were friendly to the Constitution and Government of the United States, and of depriving the emancipated class of the equal protection of the laws. The President then proceeds to quote the following language from the communication of his Attorney General:

"These combinations embrace at least two thirds of the active white men"—

Mark the language, sir—

"embrace at least two thirds of the active white men of those counties"—

The counties that I have just enumerated—"and have the sympathy and countenance of a majority of the other third. They are connected with similar combinations in other counties and States, and no doubt are part of a grand system of criminal associations pervading most of the southern States. The members are bound to obedience and secrecy by oaths which they are taught to regard as of higher obligation than the lawful oaths taken before civil magistrates. They are organized and armed. They effect their objects by personal violence, often extending to murder. They terribly wit-



nesses. They control juries in the State courts, and sometimes in the courts of the United States. Systematic perjury is one of the means by which prosecutions of the members are defeated. From information given by officers of the State and of the United States, and by credible private citizens, I am justified in affirming that the instances of criminal violence perpetrated by these combinations within the last twelve months, in the above-named counties, could be reckoned by thousands."

This is not my language; it is the language of a citizen of Georgia, at the time he wrote it, the Attorney General of the United States.

The present Attorney General, on the 19th day of last month also laid before the President the following communication, which I make no apology for reading at length:

DEPARTMENT OF JUSTICE,

WASHINGTON, April 19, 1872.

SIR: I have the honor to acknowledge, through your reference, the receipt of the resolution reported by Mr. POLAND to the House of Representatives, from the joint select Committee to enquire into the Condition of the late Insurrectionary States, which was agreed to.

In answer to the first clause of the resolution "in reference to portions of the State of South Carolina," I have the honor to inclose herewith a copy of a report made to this Department by Mr. D. T. Corbin, United States attorney for that district, marked Exhibit A. The report contains a list, a copy of which is herewith transmitted, "of five hundred and one names of persons who have been arrested in that State in pursuance of the authority conferred by act of Congress, approved April 20, 1871," the names of fifty-three persons who voluntarily confessed in open court that they at the time of confession "were or had been members of the combinations and conspiracies forbidden and made penal by said act;" who pleaded guilty to indictment, the number and character of whose sentences are annexed; the names of five who were tried by jury at the November, 1871, term of United States circuit court, the number and character of whose indictments and their sentences are annexed; the names of one hundred and sixty-two persons who were indicted at the same term of court, but not tried the number and character of whose indictments are annexed; the names of two hundred and eighty-one persons who were arrested but not tried; the names of one hundred and eighty-five persons living in York county alone who have been paroled to appear when required, "and who confessed their connection with" said conspiracies; the names of others who were paroled are found on Exhibit A, from page 3 to page 20 inclusive; the number and character of offenses forbidden by said "acts named in said indictments, or ascertained by confessions or other information," being ninety-one conspiracies under sections six and seven, act of May 31, 1870, thirty-one conspiracies under section two, act of April 20, 1871, including eleven prosecutions for murder, said offenses having "been committed in the respective counties in which the privilege of the writ of *habeas corpus* has been suspended in the State of South Carolina," and "the dates of said alleged offenses" being stated on pages from 20 to 30 of Exhibit A, in the third column.

Other information relative to the execution of the laws in these counties is found in the letter of the United States attorney, marked Exhibit B.

Exhibit C contains a copy of report by Mr. D. H. Starbuck, United States attorney for North Carolina. It presents a list of the names of thirty-seven persons who were convicted or pleaded guilty of violations of the acts of Congress approved April 20, 1871, and May 31, 1870, with their sentences annexed; the names of nine hundred and forty-four other persons indicted at Raleigh for similar violations.

There are one hundred and five indictments on the docket, embracing the larger number of persons mentioned above for conspiracies.

The report marked Exhibit D details the necessity for an enforcement of the laws in North Carolina for the security of life and person and property.

The United States attorney for the southern district of Mississippi reports, in regard to the enforcement of the acts aforementioned in his district, a list of one hundred and fifty-two names of persons indicted in the United States courts, with the offenses charged against each. This report is dated February 17, 1872, and marked Exhibit E.

The United States attorney for the northern district, G. Willey Wells, esq., reports four hundred and ninety names of persons who have been indicted; two hundred of persons arrested; one hundred and seventy-two of persons arrested and bound over; twenty-eight of persons who pleaded guilty; fourteen of persons who confessed and gave State's evidence; which facts are shown by his report, marked Exhibit F.

Having no facilities for obtaining information relative to the security of life, person, and property in the States mentioned in the resolution, otherwise than by reports from the officers of this Department, I addressed communications to the several district attorneys asking for information upon this subject as to their districts, and I inclose herewith copies of their reports, marked Exhibits G, H, I, J, K.

Reference is also made to the evidence taken upon the trials of persons charged with violations of the law in different United States courts in said States, some of which has been published and is now in the possession of the joint Select Committee on Southern Outrages.

For answer to that part of the resolution asking for "all information relative to the existing conflict between office-holders in Louisiana," I would respectfully invite attention to the inclosed copies of telegrams and communications, marked Exhibit L, as furnishing all the information in the possession of this Department in relation to this matter.

Very respectfully, your obedient servant,

GEORGE H. WILLIAMS,  
Attorney General.

The PRESIDENT.

It would consume too much time to read the various reports of the district attorneys from which the summary of the Attorney General is made up, and I must content myself with a reference to two only. The district attorney of South Carolina, in a letter dated February 20 last, uses this language:

"In regard to the execution of the State laws, I have to say that not a single instance of successful prosecution of a Ku Klux outrage in any State court has come to my knowledge. On the other hand, I have heard of several attempts to prosecute; but in each instance there was a lamentable failure. Unquestionably, the laws of this State, if they could be enforced, furnish ample means for the prosecution and punishment of these Ku Klux outrages; but from the nature of the offenses, and the number of the white inhabitants engaged in them, it is utterly impossible, in my judgment, to successfully prosecute in the State courts in any of the counties."

The district attorney of North Carolina, in a letter to the Attorney General of the 24th of January last, uses this language:

OFFICE UNITED STATES ATTORNEY,  
SALEM, NORTH CAROLINA, February 21, 1872.

SIR: \* \* \* \* \* These indictments are for conspiracies to commit deeds of violence or terror, to deter and drive from the ballot-box Union men, and to destroy the freedom of elections, to enable the enemies of the Union, through their secret, oath-bound, midnight organizations, to obtain (without open revolt) as complete and effectual control over the State as they maintained by open warfare during the rebellion.

The evidence in these cases discloses the horrid facts of the tearing of fathers, sons, and brothers from the bosom of their families at the hour of midnight, and the infliction upon their naked flesh of the torture and the lash, the brutal exposure of helpless females, and, occasionally, the commission of murder by bands of disguised men to make their intimidations the more emphatic.

Indeed, every means which the most fertile imagination of these fiendish monsters and enemies of the Union could invent have been resorted to to inspire the Unionists with fear and terror, and to destroy their freedom of thought, action, and manhood.

Had it not been for the passage of said acts of Congress and the active enforcement of them the spirit of treason would to-day revel in high carnival over the entire South, and effectually crush out and overawe the Union sentiment of the southern country, as it did in the days of the rebel government.

But the conviction of a number of these persons, and their punishment, and the indictment of this large number of others, together with the exercise by the President of the right to suspend the writ of *habeas corpus* in such localities where treason has usurped such dominion as to render the civil authorities powerless or insufficient to enforce the law, seem for the present to have broken the power of this widespread conspiracy against the friends of the Union in the South. Yet the utmost vigilance in the rigid enforcement of these acts of Congress is and will be necessary to suppress the spirit of treason lurking in the hearts of the disaffected and treacherous enemies of the Government, and to preserve the freedom of the citizen in the full and free exercise and enjoyment of the elective franchise and the rights and immunities of citizenship.

I am, very respectfully, yours, &c.

D. H. STARBUCK,

*District Attorney for North Carolina.*

Hon. GEORGE H. WILLIAMS,

*Attorney General United States, Washington.*

This, sir, is not my language; it is the language of Mr. Starbuck, present district attorney for North Carolina.

Pardon me, Mr. President, before concluding the documentary proofs showing the necessity of the legislation by Congress and the vindication of the President in what he has done in suspending the privilege of the writ of *habeas corpus*, in adducing one further piece of evidence. I will now submit the facts presented by the grand jury of the United States circuit court at its recent term at Columbia, in South Carolina. It is a summing up of the whole Ku Klux troubles in that State. It establishes three facts to which before reading the presentment I desire to draw the attention of the Senate: first, that the membership of the Ku Klux Klan in that State embraces a large proportion of the whole population of every profession and class; second, that for the violations of law and order and the sacred rights of citizens the leading influential men were responsible, being frequently members of the order; third, that the operations of the Ku Klux were invariably directed against members of the Republican party, by warnings to leave the country, by whippings, and by murder. This is the presentment of the grand jury:

*Presentment of the Grand Jury.*

*To the judges of the United States circuit court:*

In closing the labors of the present term, the grand jury beg leave to submit the following presentment: during the whole session we have been engaged in investigations of the most grave and extraordinary character—investigations of the crimes committed by the organization known as the Ku Klux Klan. The evidence elicited has been voluminous, gathered from the victims themselves and their families, as well as those who belong to the Klan and participated in its crimes. The jury has been shocked beyond measure at the developments which have

been made in their presence of the number and character of the atrocities committed, producing a state of terror and a sense of utter insecurity among a large portion of the people, especially the colored population. The evidence produced before us has established the following facts:

1. That there has existed since 1863, in many counties of the State, an organization known as the "Ku Klux Klan," or "Invisible Empire of the South," which embraces in its membership a large proportion of the white population of every profession and class.

2. That this Klan, bound together by an oath, administered to its members at the time of their initiation into the order, of which the following is a copy:

*Obligation.*

"I, [name,] before the immaculate Judge of heaven and earth, and upon the holy evangelists of Almighty God, do, of my own free will and accord, subscribe to the following sacredly binding obligation:

"1. We are on the side of justice, humanity, and constitutional liberty, as bequeathed to us in its purity by our forefathers.

"2. We oppose and reject the principles of the Radical party.

"3. We pledge mutual aid to each other in sickness, distress, and pecuniary embarrassment.

"4. Female friends, widows, and their households, shall ever be special objects of our regard and protection.

"Any member divulging, or causing to be divulged, any of the foregoing obligations, shall meet the fearful penalty and traitor's doom, which is death, death, death!"

That in addition to this oath the Klan has a constitution and by-laws, which provides, among other things, that each member shall furnish himself with a pistol, a Ku Klux gown, and a signal instrument. That the operations of the Klan were executed in the night, and were invariably directed against members of the Republican party by warnings to leave the country, by whippings, and by murder.

3. That in large portions of the counties of York, Union, and Spartanburg, to which our attention has been more particularly called in our investigations, during part of the time for the last eighteen months the civil law has been set at defiance, and ceased to afford protection to the citizens.

4. That the Klan, in carrying out the purposes for which it was organized and armed, inflicted summary vengeance on the colored citizens of these counties, by breaking into their houses at the dead of night, dragging them from their beds, torturing them in the most inhuman manner, and in many instances murdering them; and this, mainly, on account of their political affiliations. Occasionally additional reasons operated, but in no instance was the political feature wanting.

5. That for this condition of things, for all these violations of law and order, and the sacred rights of citizens, many of the leading men of those counties were responsible. I was proven that large numbers of the most prominent citizens were members of the order. Many of this class attended meetings of the Grand Klan. At a meeting of the Grand Klan, held in Spartanburg county, at which there were representatives from the various dens of Spartanburg, York, Union, and Chester counties, in this State, besides a number from North Carolina, a resolution was adopted that no raids should be undertaken, or any one whipped or injured by members of the Klan, without orders from the Grand Klan. The penalty for violating this resolution was one hundred lashes on the bare back for the first offense, and for the second, death. This testimony establishes the nature of the discipline enforced in the order, and also the fact that many of the men who were openly and publicly speaking against the Klan, and pretending to deplore the work of this murderous conspiracy, were influential members of the order, and directing its operations even in detail.

The jury has been appalled as much at the number of outrages as at their character, it appearing that eleven murders and over six hundred whippings have been committed in York county alone.

Our investigation in regard to the other counties named has been less full; but it is believed, from the testimony, that an equal or greater number has been committed in Union, and that the number is not greatly less in Spartanburg and Laurens.

We are of the opinion that the most vigorous prosecution of the parties implicated in these crimes is imperatively demanded; that without this there is great danger that these outrages will be continued, and that there will be no security to our fellow-citizens of African descent.

We would say further, that unless the strong arm of the Government is interposed to punish these crimes committed upon this class of citizens, there is every reason to believe that an organized and determined attempt at retaliation will be made, which can only result in a state of anarchy and bloodshed too horrible to contemplate.

\* \* \* \* \*

All of which is respectfully submitted.  
BENJ. F. JACKSON, Foreman.

Mr. President, this paper comes to us from the grand jury of the Federal court whose duty it was to cast their eyes over the whole State of South Carolina and inquire into all violations of law of which the court had jurisdiction. It is a sober statement of facts made by a body sworn to make the investigation it has. I accept it as evidence of more than common value. It shows a state of affairs that in my judgment demands the passage of this bill. The President has prudently, perhaps with over-much caution, exercised the powers which Congress vested in him. He has suspended the privilege of this writ in but nine counties throughout the entire South, when the facts would have justified him in doing the same thing in double the number. If he has erred, it has been on the side of the States implicated in the conspiracy and against the demands of justice and humanity.

We have witnessed the blessings of the legislation of last session, and its propriety has been amply vindicated in the number of indictments found, the punishments inflicted, the flight of the guilty parties, and in the check which has been given to the whippings and outrages in that quarter that were the disgrace of our civilization. I believe our duty requires us as legislators, chargeable with giving protection to the weak and defenseless, and making every man's house his castle, to continue this power in the President, to be exerted whenever and wherever the safety of communities requires it. That eminent magistrate has no higher title to my admiration and gratitude than that which comes from the faithful manner he has endeavored to execute the laws. I take the past as a pledge that he will not abuse the trust we place in his hands by this bill.

I know, sir, how fashionable it is for the Opposition to talk of the bayonet and military despotism in connection with the policy pursued by this Administration in its attempt to give security to the down-trodden people of the South. But, sir, all government is force. Behind every statute lie in ambush civil officers with possses and soldiers with bayonets charged with its execution. When the law commands this or forbids that, it is the spoken word of sovereignty which compels obedience

by employing the whole civil, and if need be, the whole military force of the State. Laws were idle words without this power. The Constitution of the nation in explicit terms clothes Congress with authority to make laws, and with power to provide for calling forth the militia to execute them. There is not a single State whose constitution does not place at the control of its Chief Magistrate the whole military force, to be used when occasion requires in keeping the peace and enforcing observance of the laws. One of the purposes of the standing Army we keep on foot is to repress insurrection and give aid to the civil arm. If there ever was a time in the history of this country when civil law needed the aid of military power to curb the lawless and to protect life and liberty, it has been during the last few years in those disturbed parts of the South where treason abounded and has wreaked its vengeance upon those who were faithful to the Union. To no nobler use can the Army be dedicated than in making war upon the men banded together to break up the very foundations of society, overthrow law, and bring on a state of general anarchy and crime; and I trust and hope its mission will not cease until this Ku Klux Klan is wholly suppressed and its members brought to condign punishment.

Sir, briefly and imperfectly have I endeavored to set forth the false excuses given for these disorders and violences. Did these excuses really have a foundation, it would not the less be our duty to see that the supremacy of the laws was maintained, and no man deprived of his rights except by due process of law. I do not believe there is a civilized Government on the earth where human rights have been trampled under foot to such an extent and with such impunity as in these insurrectionary States during the last four years. We shall be false to our duty and recreant to the trust placed in our hands if we do not listen to the cries of these oppressed people and put a stop to this wholesale shedding of blood and these other outrages which shock humanity.

While I speak the country is excited over the punishment inflicted by a court-martial in Cuba upon a man who claims with doubtful title to be an American citizen. Democratic orators denounce the Administration with pusillanimity and cowardice for not stretching forth the arm of the Government to release Dr. Houard and extort from Spain the restoration of his property. Yet these same gentlemen are wholly insensible to the cries which come up from the loyal people of the South. American citizens at home may be murdered by scores by the men lately in rebellion against the Government, and yet the sensibilities of these gentlemen are not touched. They are terribly exercised, however, lest the Constitution may be wounded when we propose efficient remedies. It is the same old lament we heard all through the war,

---

when Congress enacted laws, and the President put them in force calculated to hurt the enemy and directed against the same men now engaged in this minor rebellion. There was scarcely a law proposed for the vigorous prosecution of the war which did not encounter the opposition of the Democratic party, and which was not denounced as unconstitutional by Democratic organs all over the country. And it was so as to every law enacted to secure the results of the war and give equal rights to those who had been in slavery. It was so a year ago when the remedy given by this bill and which has proved so potent for good was proposed and enacted into a law.

---

And yet, despite the gloomy forebodings we heard then, the public liberties have been preserved, the country has enjoyed a high degree of prosperity, and nobody has been disturbed in the enjoyment of his lawful rights. Nobody has been hurt by the denial of this writ of *habeas corpus* except the criminal men whom the courts have been able to punish by reason of its suspension. Let these gentlemen croak on; it is their occupation and stock in trade. We shall never do violence to this sacred instrument while in the future, as in the past, we legislate to secure to all and everywhere the blessings of life, liberty, and the pursuit of happiness.

---





LIBRARY OF CONGRESS



0 013 744 729 0



**permalife.**  
**pH 8.5**